IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 30TH OCTOBER 2006 / 8TH KARTHIKA 1928

Bail Appl..No. 6336 of 2006

CMP.6223/2006 of J.M.F.C.,TIRUR
CRIME NO.713/2006 OF TIRUR POLICE STATION

.....

APPLICANT/ACCUSED

---

1. SANOOP M.,
S/O.KUMARAN, MANGOTTIL HOUSE,
VATTOM, PADIYAM.

2. KRISHNAKUMAR @ KUTTAPPAN,
S/O.VELAYUDHAN, MANGOTTIL HOUSE,
VATTAM, PADIYAM.

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRASUN.S

RESPONDENTS: COMPLAINANT AND STATE

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR C.K. SURESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6336/2006

DATED THIS THE 30TH DAY OF OCTOBER, 2006

O R D E R

The petitioners are accused Nos. 1 and 2. They were before this Court for bail, through B.A.No.5980/2006. As per the order dated 10.10.2006, I had dismissed the application, rejecting the prayer for bail. However, the present application is preferred under Section 439 Cr.P.C., on the plea that the Investigation had progressed and the accused are in judicial custody from 26.9.2006 onwards.

2. The offence alleged against the petitioners, accused Nos. 1 and 2, are under Sections 341, 307, 448 and 506(i) IPC read with Section 34 IPC.

3. The prosecution submitted that the petitioners, if released on bail, would be a threat to the persons of the locality, as they are accused in number of criminal cases including 107 Cr.P.C., proceedings. The learned Public Prosecutor also submitted that if the petitioners are released, they will also create problem in the locality and

law and order situation may break down.

4. The counsel for the petitioner, however, submits that the petitioners are on bail in other cases and most of the cases, registered against them, are ill founded. Therefore, prayed for bail.

5. Considering the submissions made by either side, I grant bail and release the petitioners from jail, subject to the following conditions:-

(a). Each petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Tirur.

(b). Immediately on release, the petitioners, accused 1 and 2, shall proceed to the S.H.O of Tirur police station, where crime No.713/2006 is being investigated and from there, they shall proceed out of the Sessions Division of Manjeri.

(c). The petitioners shall not enter the Sessions Division of Manjeri (Malappuram District), for a period of

six months, except for reporting before the Court below, on appropriate date(s) and also for appearing before the Sub Divisional Magistrate Court, Tirur.

(d). The petitioners shall intimate the address of their residence and also the name of the police station, within which limit they would reside, during the above period of six months.

(e). The petitioners shall not indulge in any activities, which would affect the maintenance of law and order situation in the area, in which they live in, either outside the Sessions Division of Manjeri or after six months within the Sessions Division of Manjeri.

(f). The petitioners shall not leave the State of Kerala, until the trial and disposal of all the cases, pending against them.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs